

to claims 1 and 11 to more positively define flexibility characteristics of the at least one resilient member. Examiner Atkinson agreed that the above amendments more positively define structure and further agreed that such structure distinguishes the invention from the cited Jan-Ove et al. patent. Examiner Atkinson also indicated that he would perform an updated search.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution and raised by the Examiner in the previous Office Action); (c) does not present any additional claims without canceling the corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment was necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. As discussed during the interview, the subject matter concerning flexibility characteristics of the at least one resilient member is not a new issue since such characteristics have been discussed throughout prosecution of the present application. Entry of the Amendment is thus respectfully requested.

With reference to the Office Action, claims 1-3, 10-13 and 20 were rejected under 35 U.S.C. §102(b) over the Jan-Ove patent. This rejection is respectfully traversed.

As discussed previously, Jan-Ove discloses a plate heat exchanger, wherein during assembly of the plate on its guiding bar, the described lugs are "bent sideways in

opposite directions perpendicularly to the plane of the heat exchange plate to make the assembly possible." Column 2, lines 62-65. The attendant disadvantages of such structure are described in the "Background of the Invention" section in the present specification. In contrast, claim 1 defines each of the support engagement portions including at least one resilient member formed integrally with the plate member, which resilient member is flexible in a direction which is substantially parallel to the plane of the plate member. Claim 11 defines similar subject matter, reciting that the at least one support engagement portion includes at least one resilient member that is flexible in a direction which is substantially parallel to the plane of the plate member. As noted, during the interview, Examiner Atkinson appreciated this structural distinction from the subject matter disclosed in the Jan-Ove patent. As a consequence, Applicant respectfully submits that the rejection is misplaced.

With respect to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Moreover, as discussed in the Response filed October 23, 2002, claim 10 is further deemed to be patentable over the cited art as reciting the additional feature of a single support engagement portion in each of the generally parallel edge portions of the recited flat plate. The Jan-Ove patent specifically states a U-shaped recess as being sufficient "since the heat exchange plate is supported by the carrying bar" (see column 3, lines 5-7). The additional feature recited by claim 10, namely, the provision of a support engagement portion, which inherently includes the recited resilient member, on both

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edges of the plate, is a feature that is thus not only absent from the cited patent, but which is also deemed thereby to be unnecessary.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.


Prompt passage to issuance is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

1. (Amended) A flat plate heat exchanger which includes:  
a support structure having elongate support apparatus; and  
a plurality of generally flat plate members formed of a heat conductive material,  
and arranged for attachment to said support apparatus, so as to be supported thereby,  
each said plate member including at least one support engagement portion for  
permitting snap coupling between said plate member and said elongate support apparatus,  
wherein each said support engagement portion includes at least one resilient member  
formed integrally with said plate member, [which is arranged for flexing] said at least one  
resilient member being flexible in a direction which is [both lateral to the direction of  
coupling and] substantially parallel to the plane of said plate member.

11. (Amended) A flat plate member for use in a flat plate heat exchanger having  
a stack of similar members supported in a support structure having elongate support  
apparatus, wherein said flat plate member includes:

a generally flat plate portion formed of a heat conductive material; and  
at least one support engagement portion formed in conjunction with said flat plate  
for permitting snap coupling between said plate member and the elongate support  
apparatus, such that said flat plate member is supported thereby,

and wherein said at least one support engagement portion includes at least one  
resilient member [arranged for flexing] that is flexible in a direction which is [both lateral  
to the direction of coupling and] substantially parallel to the plane of said plate member.